

REMARKS/ARGUMENTS

Applicants thank Examiner Willse for the telephone interview conducted on May 6, 2004. Applicants have amended the claims and provided the following remarks in accordance with the interview discussion.

INFORMATION DISCLOSURE STATEMENTS

As discussed with Examiner Willse, Applicants have provided an additional copy of the paper information disclosure statement with the foreign patent and other document references. Applicants have also provided a copy of the postcard date-stamped by the OIPE on February 26, 2003. Applicants respectfully request citation of the foreign patent and other document references. If the Examiner is unable to locate the references corresponding to the paper information disclosure statement, the Examiner is invited to contact Applicants' attorney at (414) 347-4769.

STATUS OF THE CLAIMS

Applicants have amended Claims 1, 3, 26, 27, and 41. Applicants have added new Claims 112-125. Claims 1-4, 6, 14-24, 26-27, 41-44, 48-49, 51-62, and 112-125 are currently being considered. Claims 1-3, 6, 14-21, 26, 41, 43-44, 48 and 51-59 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,077,301 issued to Pusch. Claims 4, 22-24, 27, 42, 49 and 60-62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pusch.

CLAIM REJECTIONS – 35 U.S.C. § 102

Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Pusch. Applicants respectfully submit that Claim 1 is supported by the original disclosure of the great-grandparent application (Application Serial No. 08/602,241; now U.S. Patent No. 5,800,568; hereinafter "the '568 Patent") and entitled to a priority date of February 16, 1996. As a result,

Pusch, which was filed on April 22, 1998, is not prior art to Claim 1. Applicants have provided below citations to the specification of the '568 Patent that provide support for each claim limitation. Independent Claim 1 is supported by the specification of the '568 Patent as follows:

“a pylon having an upper end for attachment to the amputee and a lower end” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 3, lines 47-50 (pylon 52).

“a prosthetic foot” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 3, lines 47-50 (prosthetic foot 54).

“a prosthetic ankle coupled between the pylon and the prosthetic foot” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 3, lines 47-50 (prosthetic ankle 10).

“an upper leg coupled to the lower end of the pylon” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 2, lines 8-11 (upper leg 14).

“a lower leg coupled to the prosthetic foot” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 2, lines 23-26 (lower leg 24).

“an interconnecting portion located between the upper leg and the lower leg” – *See '568 Patent*, , Figures 5A-5B and 6A-6C; col. 1, lines 41-47; col. 2, lines 34-37 (interconnecting member or curved leg 32).

“means for limiting coupled to at least one of the lower end of the pylon and the upper leg” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 3, lines 25-29; Figure 5A (a limit strap 36 is one embodiment of a “means for limiting” coupled to a lower end of the pylon 52 and the upper leg 14).

“the means for limiting also coupled to at least one of the lower leg and the prosthetic foot” – *See '568 Patent*, col. 3, lines 25-29; Figure 5A (illustrating a limit strap 36, which is one embodiment of a “means for limiting,” coupled to a lower leg 14 of the prosthetic ankle 10 and a prosthetic foot 54).

“the means for limiting at least partially defining a maximum displacement between the upper leg and the lower leg” – *See ‘568 Patent*, col. 3, lines 29-45.

In light of the above, Applicants respectfully submit that independent Claim 1 is supported by the original specification of the ‘568 Patent as filed on February 16, 1996. Accordingly, Pusch is not prior art to Claim 1. Thus, independent Claim 1 and dependent Claims 2-3, 6, and 14-21 are allowable.

Dependent Claims 2-3, 6, and 14-21

Claims 2-3, 6, and 14-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pusch. Claims 2-3, 6, and 14-21 depend from Claim 1 and are therefore allowable for the reasons set forth above with respect to Claim 1. Claims 2-3, 6, and 14-21 may specify additional patentable subject matter not specifically discussed herein.

Independent Claim 26

Independent Claim 26 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Pusch. Claim 26 is supported in the specification of the ‘568 Patent as follows:

“attaching a prosthetic walking system to the amputee, the prosthetic walking system including a pylon, a prosthetic foot, and a prosthetic ankle coupled between the pylon and the prosthetic foot, the prosthetic ankle having an upper leg, a lower leg, and an interconnecting portion located between the upper leg and the lower leg” – *See ‘568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 1, lines 41-47; col. 2, lines 8-11; col. 2, lines 23-26; col. 2, lines 34-37; and col. 3, lines 47-50.

“providing means for limiting coupled between at least one of the pylon and the upper leg and at least one of the lower leg and the prosthetic foot” – *See ‘568 Patent*, col. 3, lines 25-29; Figure 5A (a limit strap 36 is one embodiment of

“means for limiting” coupled to an upper leg 14 of the prosthetic ankle 10 and the pylon 52 and to a lower leg 14 of the prosthetic ankle 10 and a prosthetic foot 54).

“limiting the maximum displacement between the upper leg and the lower leg with the means for limiting” – See ‘568 Patent, col. 3, lines 29-46.

“adjusting the means for limiting to change the maximum displacement between the upper leg and the lower leg” – See ‘568 Patent, col. 3, lines 38-46.

In light of the above, Applicants respectfully submit that independent Claim 26 is supported by the original specification of the ‘568 Patent as filed on February 16, 1996. Accordingly, Pusch is not prior art to Claim 26. Thus, independent Claim 26 and dependent Claim 27 are allowable.

Independent Claim 41

Amended Claim 41 specifies, among other things, “a prosthetic ankle integral with the pylon by being fabricated from a continuous piece of material...”

Pusch discloses a jointless artificial foot including a base spring 10, a C-spring 20, and an adapter 30. Pusch, Figure 1; col. 3, lines 58-62; col. 4, lines 34-36. Although not specifically discussed in Pusch, the adapter 30 can be connected to a separate conventional pylon. However, Pusch does not disclose, teach, or suggest a posterior portion of an upper leg of a prosthetic ankle being integral with a lower end of a pylon by being fabricated from a continuous piece of material. Accordingly, independent Claim 41 and dependent Claims 42-44, 48-49, and 51-62 are allowable.

Dependent Claims 43-44, 48, and 51-59

Claims 43-44, 48, and 51-59 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pusch. Claims 43-44, 48, and 51-59 depend from Claim 41 and are therefore allowable for the reasons set forth above with respect to Claim 41. Claims 43-44, 48, and 51-59 may also specify additional patentable subject matter not specifically discussed herein.

CLAIM REJECTIONS – 35 U.S.C. § 103

Dependent Claims 4 and 22-24

Claims 4 and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pusch. Claims 4 and 22-24 depend from Claim 1 and are therefore allowable for the reasons discussed above with respect to Claim 1. Claims 4 and 22-24 may include additional patentable subject matter not specifically discussed herein.

Dependent Claim 27

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being anticipated by Pusch. Claim 27 depends from Claim 26 and is therefore allowable for the reasons set forth above with respect to Claim 26. Claim 27 may specify additional patentable subject matter not specifically discussed herein.

Dependent Claims 42, 49 and 60-62

Claims 42, 49 and 60-62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pusch. Claims 42, 49, and 60-62 depend from Claim 41 and are therefore allowable for the reasons discussed above with respect to Claim 41. Claims 42, 49, and 60-62 may also include additional patentable subject matter not specifically discussed herein.

NEW CLAIMS

Dependent Claim 112

Claim 112 depends from Claim 1 and is therefore allowable for the reasons discussed above with respect to Claim 1. Claim 112 may also include additional patentable subject matter not specifically discussed herein.

Dependent Claim 113

Claim 113 depends from Claim 26 and is therefore allowable for the reasons discussed above with respect to Claim 26. Claim 113 may also include additional patentable subject matter not specifically discussed herein.

Independent Claim 114

Independent Claim 114 is supported by the specification of the '568 Patent as follows:

“a pylon having an upper end for attachment to the amputee and a lower end” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 3, lines 47-50 (pylon 52).

“a prosthetic foot” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 3, lines 47-50 (prosthetic foot 54).

“a prosthetic ankle coupled between the pylon and the prosthetic foot” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 3, lines 47-50 (prosthetic ankle 10).

“an upper leg coupled to the lower end of the pylon” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 2, lines 8-11 (upper leg 14).

“a lower leg coupled to the prosthetic foot” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 2, lines 23-26 (lower leg 24).

“an interconnecting portion located between the upper leg and the lower leg” – *See '568 Patent*, , Figures 5A-5B and 6A-6C; col. 1, lines 41-47; col. 2, lines 34-37 (interconnecting member or curved leg 32).

“a limit device coupled to at least one of the lower end of the pylon and the upper leg” – *See '568 Patent*, Figures 5A-5B and 6A-6C; col. 3, lines 25-29; col. 6, lines 9-12 (Claim 1 of the '568 Patent specifies “a limit device”).

“the limit device also coupled to at least one of the lower leg and the prosthetic foot” – *See ‘568 Patent*, col. 3, lines 25-29; col. 6, lines 9-12 (Claim 1 of the ‘568 Patent specifies “a limit device”).

“the limit device at least partially defining a maximum displacement between the upper leg and the lower leg” – *See ‘568 Patent*, col. 3, lines 29-45; col. 6, lines 9-12 (Claim 1 of the ‘568 Patent specifies “a limit device”).

In light of the above, Applicants respectfully submit that independent Claim 114 is supported by the original specification of the ‘568 Patent as filed on February 16, 1996. Accordingly, Pusch is not prior art to Claim 114. Thus, independent Claim 114 and dependent Claims 115-116 are allowable.

Independent Claim 117

Independent Claim 117 is supported by the specification of the ‘568 Patent as follows:

“a pylon having an upper end for attachment to the amputee and a lower end” – *See ‘568 Patent*, Figures 5A-5B and 6A-6C; col. 3, lines 47-50 (pylon 52).

“a prosthetic foot” – *See ‘568 Patent*, Figures 5A-5B and 6A-6C; col. 3, lines 47-50 (prosthetic foot 54).

“a prosthetic ankle coupled between the pylon and the prosthetic foot” – *See ‘568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 3, lines 47-50 (prosthetic ankle 10).

“an upper leg coupled to the lower end of the pylon” – *See ‘568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 2, lines 8-11 (upper leg 14).

“a lower leg coupled to the prosthetic foot” – *See ‘568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 2, lines 23-26 (lower leg 24).

“an interconnecting portion located between the upper leg and the lower leg” – See ‘568 Patent, , Figures 5A-5B and 6A-6C; col. 1, lines 41-47; col. 2, lines 34-37 (interconnecting member or curved leg 32).

“a strap coupled to at least one of the lower end of the pylon and the upper leg” – See ‘568 Patent, Figures 5A-5B and 6A-6C; col. 3, lines 25-29; Figure 5A (a strap 36 is coupled to a lower end of the pylon 52 and the upper leg 14).

“the strap also coupled to at least one of the lower leg and the prosthetic foot” – See ‘568 Patent, col. 3, lines 25-29; Figure 5A (illustrating a strap 36 coupled to a lower leg 14 of the prosthetic ankle 10 and a prosthetic foot 54).

“the strap at least partially defining a maximum displacement between the upper leg and the lower leg” – See ‘568 Patent, col. 3, lines 29-45.

In light of the above, Applicants respectfully submit that independent Claim 117 is supported by the original specification of the ‘568 Patent as filed on February 16, 1996. Accordingly, Pusch is not prior art to Claim 117. Thus, independent Claim 117 and dependent Claims 118-119 are allowable.

Independent Claim 120

Claim 120 is supported in the specification of the ‘568 Patent as follows:

“attaching a prosthetic walking system to the amputee, the prosthetic walking system including a pylon, a prosthetic foot, and a prosthetic ankle coupled between the pylon and the prosthetic foot, the prosthetic ankle having an upper leg, a lower leg, and an interconnecting portion located between the upper leg and the lower leg” – See ‘568 Patent, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 1, lines 41-47; col. 2, lines 8-11; col. 2, lines 23-26; col. 2, lines 34-37; and col. 3, lines 47-50.

“providing a limit device coupled between at least one of the pylon and the upper leg and at least one of the lower leg and the prosthetic foot” – *See ‘568 Patent*, col. 3, lines 25-29; col. 6, lines 9-12 (Claim 1 of the ‘568 Patent specifies “a limit device”).

“limiting the maximum displacement between the upper leg and the lower leg with the limit device” – *See ‘568 Patent*, col. 3, lines 29-46; col. 6, lines 9-12 (Claim 1 of the ‘568 Patent specifies “a limit device”).

“adjusting the limit device to change the maximum displacement between the upper leg and the lower leg” – *See ‘568 Patent*, col. 3, lines 38-46; col. 6, lines 9-12 (Claim 1 of the ‘568 Patent specifies “a limit device”).

In light of the above, Applicants respectfully submit that independent Claim 120 is supported by the original specification of the ‘568 Patent as filed on February 16, 1996. Accordingly, Pusch is not prior art to Claim 120. Thus, independent Claim 120 and dependent Claims 121-122 are allowable.

Independent Claim 123

Claim 123 is supported in the specification of the ‘568 Patent as follows:

“attaching a prosthetic walking system to the amputee, the prosthetic walking system including a pylon, a prosthetic foot, and a prosthetic ankle coupled between the pylon and the prosthetic foot, the prosthetic ankle having an upper leg, a lower leg, and an interconnecting portion located between the upper leg and the lower leg” – *See ‘568 Patent*, Figures 5A-5B and 6A-6C; col. 1, lines 38-42; col. 1, lines 41-47; col. 2, lines 8-11; col. 2, lines 23-26; col. 2, lines 34-37; and col. 3, lines 47-50.

“providing a strap coupled between at least one of the pylon and the upper leg and at least one of the lower leg and the prosthetic foot” – *See ‘568 Patent*,

col. 3, lines 25-29; Figure 5A (a strap 36 is coupled to a lower end of the pylon 52 and the upper leg 14).

“limiting the maximum displacement between the upper leg and the lower leg with the strap” – *See ‘568 Patent*, col. 3, lines 29-46; Figure 5A (a strap 36 is coupled to a lower end of the pylon 52 and the upper leg 14).

“adjusting the strap to change the maximum displacement between the upper leg and the lower leg” – *See ‘568 Patent*, col. 3, lines 38-46; Figure 5A (a strap 36 is coupled to a lower end of the pylon 52 and the upper leg 14).

In light of the above, Applicants respectfully submit that independent Claim 123 is supported by the original specification of the ‘568 Patent as filed on February 16, 1996. Accordingly, Pusch is not prior art to Claim 123. Thus, independent Claim 123 and dependent Claims 124-125 are allowable.

CONCLUSION

Applicants have provided citations to the specification of the ‘568 Patent for the limitations of many of the independent claims. It is important to note that the citations provided are not necessarily the only support provided in the ‘568 Patent for the claimed subject matter. In addition, the specification of the current application provides additional enabling disclosure for the claimed subject matter.

Appl. No. 10/082,678
Response dated May 11, 2004
Reply to Office action of February 11, 2004

In view of the foregoing, Applicants respectfully request entry of the amendment and allowance of Claims 1-4, 6, 14-24, 26-27, 41-44, 48-49, 51-62, and 112-125.

Respectfully submitted,

A handwritten signature in black ink that reads "Raye Lynn Daugherty". The signature is written in a cursive style with a large, stylized 'D'.

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